

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed March 23, 2005. At the time of the Office Action, Claims 1-21 were pending. Applicants respectfully request reconsideration and favorable action in this case.

Section 102 Rejections

The Office Action rejects Claims 1-4, 8, 12, 16, and 20 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,910,984 issued to Low ("*Low*"). Applicants respectfully traverse these rejections for the reasons stated below.

Claim 1 is directed to a computer/software system for managing telecommunication network elements, including automatically initiated background processes which remotely backup information which has been locally stored in ones of said network elements.

Low does not disclose, teach, or suggest each element of Claim 1. *Low* teaches a service-providing apparatus (SPA) with a normal service logic 50 and a backup service logic 52. *See Low*, column 10, lines 41-53; figure 10. The first service logic saves relevant state data for processing the call segment (CS) service request to a reliable store 55 of the SPA. *Id.* at column 10, line 58 to column 11, line 3; figure 10. If the normal service logic 50 fails, then backup service logic 52 processes the CS using the state data stored in the reliable store 55 of the SPA. *Id.* at column 11, lines 19-24; figure 10. The Examiner contends that SCP 12 and Adjunct 13 of figure 1 are network elements. *See Office Action*, page 3, ¶6. Both SCP 12 and Adjunct 13 of figure 1 are SPAs. *See Low*, column 2, lines 18-31. Any backing up disclosed by *Low* is occurring locally at the SPA(s) and not remotely. *See Low*, figure 10; column 10, line 47 to column 11, line 15. Therefore, *Low* does not disclose, teach, or suggest remotely backing-up information which has been locally stored in ones of said network elements. For at least these reasons, Applicants respectfully submit that Claim 1 is patentably distinguishable from *Low* and request that the rejection of Claim 1 be withdrawn.

Claims 2 and 3 depend from Claim 1. Therefore, Applicants respectfully submit that Claims 2 and 3 are patentably distinguishable from *Low* for at least the same reasons as those discussed above regarding Claim 1.

Claim 4 is directed to a method for managing a plurality of network elements of a telecommunications network, including coupling a telecommunications network element manager with a plurality of network elements that provide voice network connectivity, using at least one telecommunications network control channel. Each network element is operable to store respective local data regarding the configuration or operation of the network element. The method also includes receiving, from each of the plurality of network elements, the respective local data, and storing the respective local data at a database of the network element manager.

With regard to Claim 4, the Office Action cites to figure 1 of *Low* as illustrating a network element manager (among other things). *See* Office Action, page 3, ¶9(a). It is not clear which item in figure 1 the Examiner contends discloses a network element manager. Applicants respectfully submit that *Low* does not disclose, either in Figure 1 or elsewhere, a network element manager.

Moreover, the Office Action cites to the “reliable store 55” in figure 10 of *Low* as support for the claim element “storing the respective local data at a database of the network element manager.” *See* Office Action, page 3, ¶9(d). However, the Examiner contends that SCP 12 and Adjunct 13 of figure 1 are network elements. *See* Office Action, page 3, ¶6. Both SCP 12 and Adjunct 13 of figure 1 are SPAs. *See Low*, column 2, lines 18-31. Reliable store 55 is an internal component of the SPA(s). *See Low*, figure 10. Any backing up disclosed by *Low* is occurring locally at the SPA(s) and not at a database of a network element manager. Therefore, *Low* does not disclose a network element manager or receiving, from each of the plurality of network elements, the respective local data, and storing the respective local data at a database of the network element manager. For at least these reasons, Applicants respectfully submit that Claim 4 is patentably distinguishable from *Low* and request that the rejection of Claim 4 be withdrawn.

Claims 12 and 20 include limitations similar to those discussed above with regard to Claim 4. Claim 8 depends from Claim 4, and Claim 16 depends from Claim 12. Therefore, Applicants respectfully submit that Claims 8, 12, 16, and 20 are patentably distinguishable from *Low* for at least the same reasons as those discussed above regarding Claim 4.

Section 103 Rejections

The Office Action rejects Claims 5, 9, 13, and 17 under 35 U.S.C. § 103(a) as being unpatentable over *Low* as applied to Claims 4 and 12 above, and further in view of U.S. Patent No. 5,768,353 issued to Browne ("*Browne*").

Claims 5 and 9 depend from Claim 4 and Claims 13 and 17 depend from Claim 12. The cited portions of the *Browne* reference do not disclose, teach, or suggest each element absent from *Low* as discussed above regarding Claims 4 and 12. Therefore, Applicants respectfully submit that Claims 5, 9, 13, and 17 are patentable for at least the same reasons as those discussed above regarding Claims 4 and 12.

Moreover, there is no motivation to combine the teachings of *Low* and *Browne* as suggested by the Examiner. The Office Action states that "at the time the invention was made, one of ordinary skill in the art would have used the Browne method in *Low* in order to utilize legacy systems (col. 9, lines 34-55)." Office Action, page 5, ¶13. However, the cited passage does not disclose the desirability of using legacy systems in the method of *Low*, but merely establishes that the data analyzer of the *Browne* reference utilizes the listed technologies. See *Browne*, column 9, lines 34-56. Applicants submit that a person of ordinary skill in the art would not be motivated to reference "an inter-network accounting system... [allowing] call records to be sorted according to the network operator to be charged in respect of the calls, prior to being priced and charged," as taught by *Browne*, when modifying "a telecommunications network architecture... for effecting basic call processing to set up, maintain and clear calls," as taught by *Low*. See *Browne*, abstract; *Low* abstract. Therefore, Applicants respectfully submit that the *Browne-Low* combination is improper and

request that, for at least this additional reason, the rejections of Claims 5, 9, 13, and 17 be withdrawn.

The Office Action also rejects Claims 6, 10, 14, 18, and 21 under 35 U.S.C. § 103(a) as being unpatentable over *Low* as applied to Claims 4 and 12 above, and further in view of U.S. Patent No. 5,862,325 issued to Reed et al. ("*Reed*"). Applicants respectfully traverse these rejections for the reasons stated below.

Claim 21 includes limitations similar to those discussed above with regard to Claim 1. Claims 6 and 10 depend from Claim 4 and Claims 14 and 18 depend from Claim 12. The cited portions of the *Reed* reference do not disclose, teach, or suggest each element absent from *Low* as discussed above regarding Claims 1, 4, and 12. Therefore, Applicants respectfully submit that Claims 6, 10, 14, 18, and 21 are patentable for at least the same reasons as those discussed above regarding Claims 1, 4, and 12.

Moreover, there is no motivation to combine the teachings of *Low* and *Reed* as suggested by the Examiner. The Office Action states that "at the time the invention was made, one of ordinary skill in the art would have used the Reed method in Low in order to utilize better addressable attributes (col. 81, lines 40-45)." Office Action, page 5, ¶15. However, the cited passage does not disclose the desirability of using better addressable attributes in the method of *Low*, but merely describes addressing attributes. See *Reed*, column 81, lines 40-45. Applicants submit that a person of ordinary skill in the art would not be motivated to reference "an automated communications system... to transfer data, metadata, and methods from a provider computer to a consumer computer," as taught by *Reed*, when modifying "a telecommunications network architecture... for effecting basic call processing to set up, maintain and clear calls," and taught by *Low*. See *Reed*, abstract; *Low* abstract. Therefore, Applicants respectfully submit that the *Reed-Low* combination is improper and request that, for at least this additional reason, the rejections of Claims 6, 10, 14, 18, and 21 be withdrawn.

Further, the Office Action rejects Claims 7, 11, 15, and 19 under 35 U.S.C. § 103(a) as being unpatentable over *Low* as applied to Claims 4 and 12 above, and further in

view of *Browne* and *Reed*. Applicants respectfully traverse these rejections for the reasons stated below.

Claims 7 and 11 depend from Claim 4 and Claims 15 and 19 depend from Claim 12. Neither *Browne* nor *Reed* disclose, teach, or suggest each element absent from *Low* as discussed above regarding Claims 4 and 12. Therefore, Applicants respectfully submit that Claims 5, 9, 13, and 17 are patentable for at least the same reasons as those discussed above regarding Claims 4 and 12.

Moreover, the combination of *Low*, *Browne*, and *Reed* is improper for the reasons discussed above. Therefore, Applicants respectfully request that, for at least this additional reason, the rejections of Claims 7, 11, 15, and 19 be withdrawn.

Conclusions

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned Attorney for Applicants stand ready to conduct such a conference at the convenience of the Examiner. The Attorney for Applicants may be reached by telephone at (214) 953-6511.

Applicants believe no fees are due. However, should there be a fee discrepancy, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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Date: May 26, 2005

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